

ARTICLE 32-02

SANITATION

Chapter	
32-02-01	Rules of Sanitation

CHAPTER 32-02-01 RULES OF SANITATION

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32-02-01-01. Rules posted. The owner or manager of every cosmetology salon and school shall keep a copy of the rules of sanitation posted in a conspicuous place in each salon and school for the information and guidance of all persons employed or studying therein.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-02. Space dimensions and requirements.

1. **Cosmetology salon.** To maintain adequate conditions of sanitation and in the interest of the public health and welfare, each cosmetology salon shall have adequate workspace to maintain a safe and sanitary condition for a cosmetology salon. In addition to such workspace, the cosmetology salon shall have a reception area, supply room or supply area with enclosed cabinets, toilet facilities, and facilities to maintain sanitary conditions. There shall be adequate workspace for each additional operator or manager-operator in the salon.
 - a. Separate entrance. All public entrances and exits must meet the local or state building codes.

- b. Cosmetology salon separate. A cosmetology salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - c. Resident salons. Each cosmetology salon in a residential building shall maintain an entrance separate from the entrance to living quarters. No cosmetology services shall be conducted in any room used as living or sleeping quarters. A cosmetology salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - d. Mobile home salons. Mobile homes, motor homes, trailers, or any type of recreational vehicles containing a cosmetology salon shall be permanently set on a foundation. Each cosmetology salon in such mobile home, motor home, trailer, or any type of recreational vehicle shall maintain an entrance separate from the living quarters. No cosmetology services shall be conducted in any room used as living or sleeping quarters. A cosmetology salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
2. **Cosmetology schools.** To maintain adequate conditions of sanitation and in the interest of the public health and welfare, each cosmetology school shall have adequate square feet of floor space to maintain a safe and sanitary condition for a cosmetology school. Such floor space must include a business office, reception room, clinic laboratory practice room, dispensary, student lounge, hallways, and classrooms sufficient for training the number of students enrolled. Two lavatories must be in the same building as the school and immediately and easily accessible from the school. In addition, for the manicurist and esthetician courses, floor space must include separate classrooms with adequate space to teach students enrolled.
3. **Cosmetology school separate.** Each cosmetology school shall be separated from living quarters and any other business, except an affiliated school, by a solid nontransparent wall from floor to ceiling containing no openings or doors.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-03. Lighting - Exhaust fans - Fire extinguishers.

- 1. Each cosmetology establishment shall have adequate lighting at all workstations.

2. Each cosmetology establishment shall be equipped with an exhaust fan or air exchange system in the working area.
3. Each cosmetology establishment shall maintain on the premises a fire extinguisher mounted in public view. All employees and students shall be instructed in the proper operation and use of the fire extinguisher.

All exhaust fans, fire extinguishers, and lighting must comply with the state and local building codes.

History: Amended effective July 1, 1988; March 1, 1998; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-04. Sanitary premises.

1. Walls, floors, and fixtures must be kept clean and in good repair at all times.
2. All floors must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting is not permitted in the working area, except in cosmetology establishments with carpeting in the working area on July 1, 2000, and which have not changed ownership since July 1, 2000. Carpeting will only be permitted in the reception, drying, and facial treatment areas.
3. Windows and mirrors should be clean.
4. Shampoo bowls and implements must be free from all hair and debris and cleansed prior to each use.
5. The dispensing area must be neat and clean. The supply area may not be accessible to the public.
6. Pedicure chairs, foot spas, and manicure tables must be cleaned and disinfected between uses.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; January 1, 2002; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-05. Water supply and waste disposal. Each cosmetology establishment shall be equipped with an adequate supply of hot and cold running water and proper plumbing. Each salon and school shall:

1. Have a safe water supply, approved by the local health authority or the state department of health.

2. Dispose of sewage and other liquid wastes in a sanitary manner, approved by the local health authority or the state department of health.
3. Store and collect solid waste so as to avoid health hazards, rodent harborages, insect breeding areas, and accidents.
4. Have solid wastes collected at least once each week, and an adequate number of approved covered containers shall be provided for storage of solid waste pending collection.

All plumbing in every cosmetology establishment shall comply with the state and local plumbing code.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-06. Personal hygiene. Every operator, manager-operator, manicurist, esthetician, instructor, and student, while on the cosmetology establishment premises, shall be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. **Attire.** Every operator, manager-operator, manicurist, esthetician, instructor, student instructor, and student must be neat and clean in person and attire, and shall wear clean washable professional attire as determined by salon and school owner.
2. **Hands.** Every operator, manager-operator, manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water immediately before serving each client.
3. **Carrying combs.** Combs or other instruments shall not be carried in clothing pockets.
4. **Infectious or communicable diseases.** An operator, manager-operator, manicurist, esthetician, instructor, student instructor, or student who has an infectious or communicable disease may not knowingly transmit the disease to the public in a cosmetology establishment while such a disease is in a communicable stage.
5. **Smoking.** An operator, manager-operator, manicurist, esthetician, instructor, student instructor, or student may not smoke while actively engaged in serving the public.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-07. First-aid kit. Every cosmetology establishment shall have and maintain a complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

History: Amended effective July 1, 2000.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-08. Sanitary articles. All tools, instruments, shampoo bowls, and other articles which come in contact with a client shall be washed and disinfected before use on each client. Each cosmetology establishment shall have at least one wet sanitizer ready for use at all times containing a disinfectant solution. The use of any instrument which cannot be rendered sanitary is prohibited.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-09. Laundry and storage of cloth items.

1. **Clean cloth and linen items.** All clean cloth and linen towels, robes, and similar items shall be kept in an enclosed, dustproof cabinet in cosmetology establishments until used.
2. **Soiled cloth items and laundering.** Each towel, robe, and linen article may be used only once and then must be properly laundered. After use, and until laundering, each item must be placed in an enclosed container. All soiled towels and linens must be laundered in a washing machine with laundry detergent in hot water. Commercial laundering is acceptable.

History: Amended effective July 1, 1988; March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-10. Method of disinfection. The disinfection process shall consist of three steps, and the elimination of any one of the steps render the process ineffective. The three steps to be followed are:

1. **Cleaning.** Clean hair out of combs, brushes, tools, and instruments and wash them thoroughly with hot water and a synthetic detergent in order to remove all traces of soil. Contact points of nonimmersible (electrical) equipment such as clippers must be wiped or sprayed with an environmental protection agency registered, hospital grade, tuberculocidal disinfectant created specifically for electrical equipment.
2. **Rinse.** Thoroughly rinse in clear water to remove all traces of detergent from the combs, brushes, tools, and instruments.

3. **Immersion.** Completely immerse combs and brushes in an appropriate utensil with an effective germicidal solution prepared and used in accordance with directions on the label, after which the combs, brushes, tools, and instruments shall be removed, dried, and stored in a clean, covered, and dustproof cabinet in the cosmetology establishment until used.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-11. Particular aspects of disinfecting.

1. **Germicides.** In disinfecting tools, instruments, and implements, any federally approved germicide prepared specifically for germicidal treatment of tools, instruments, and implements shall be used in accordance with the directions of the manufacturer. All germicidal solutions shall be fresh, clean, and free from contaminants.
2. **Fluids, creams, and powders.** All fluids, semifluids, creams, wax, and powders shall be kept in a clean, covered container at all times and shall be dispensed with a clean sanitized spatula or from a shaker, dispenser pump, or spray-type container. Spatulas made of a washable, nonabsorbent material may be sanitized and used again, and spatulas made of wood shall be discarded after use. Fluids, semifluids, creams, and powders shall be applied only by sanitary, disposable applicators, and the applicators shall be discarded after use.
3. **Tools and instruments.** All permanent wave equipment, clips, rollers, pins, shampoo and comb-out capes, nets, as well as all other tools, instruments, and implements shall be kept in a clean, sanitized condition at all times. Neck strips or similar covering shall be used in lieu of a clean towel whenever applicable in order to prevent such materials from coming in contact with the skin or hair of each client. Such neck strips or similar covering shall not be used more than once, and all other reusable items shall be washed, sanitized, and disinfected before use on each client.
4. **Containers.** All bottles and containers shall be correctly and distinctly labeled to disclose their contents, and all bottles and containers containing poisonous substances shall be so designated.
5. **Waste container.** Each cosmetology establishment shall provide adequate covered and lined waste containers which shall be emptied and washed daily. All chemical waste material must be deposited immediately in a closed fire-retardant container and frequently disposed of in a sanitary manner.

6. **Protective coverings.** All protective coverings used on a client shall be kept clean and in good condition, and such protective coverings shall be stored in a closed cabinet when not in use.
7. **Wet sanitizers.** Each cosmetology establishment shall have wet sanitizers of sufficient size and quantity to sanitize all tools, instruments, and implements of the establishment, and such sanitizers shall be readily accessible. Such sanitizers shall contain a commercial sanitizing agent approved federally and such sanitizing agent shall be used according to the manufacturers' directions.
8. **Metal instruments.** All metal tools, instruments, and implements shall be sanitized with a disinfectant solution after each use and stored in a closed container until the next use. All clippers and trimmers must be cleaned with a disinfectant spray after each client.
9. **Storage of supplies.** Every cosmetology establishment shall have a separate cabinet or storage area for the storage of supplies, and any supplies containing any caustic or other material harmful to humans shall be stored in a place not readily accessible to clients or the public.
10. **Combs and brushes.** Combs and brushes shall be cleansed and disinfected prior to each use. All shall be in good usable condition.
11. **Electric tools and outlets.** Each cosmetology establishment shall have a sufficient number of electrical outlets so that no cord or electrical connection constitutes a hazard, fire or otherwise, to the public or persons employed or learning in the establishment.
12. **Neck brushes.** No salon or school may use neck brushes.
13. **Dry sanitizers.** All tools, instruments, and implements must be stored in a clean closed cabinet or drawer. Paper, money, candy, and personal items may not be stored or placed in cabinets or drawers where tools, instruments, and implements are stored.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-12. Toilet facilities. All cosmetology salons shall have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All cosmetology salons in residential establishments shall provide and label toilet facilities only for the use of customers during business hours. Toilet facilities shall be clean, sanitary, and properly maintained at all times. All plumbing must be in accordance with the state or local plumbing codes.

Each salon shall provide adequate handwashing facilities, including hot and cold running water. Each handwashing sink must have a soap dispenser supplied with liquid soap and disposable towels or approved air dryer.

History: Amended effective March 1, 1998; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-13. Pets. No animals, birds, or other pets, except assistance animals for the disabled and fish in aquariums, shall be permitted in any cosmetology establishment.

History: Amended effective December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-14. Infants and children. No cosmetology establishment premises shall be used in any manner for the care or babysitting of infants or small children.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-15. Inspections. Certificates of registration for cosmetology establishments shall only be issued to establishments inspected and approved by the board. A board inspection and approval shall be required for all new salons and schools as well as when changes of ownership or address take place. All salon premises must be open for inspection during normal business hours. If a salon is not open every day, the salon owner must inform the board office of the days the salon is open for business.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-17